

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,
Plaintiff,

v.

**SIGNATURE FLIGHT SUPPORT
CORPORATION,**

**RANGER AEROSPACE
CORPORATION, and**

**AIRCRAFT SERVICE
INTERNATIONAL GROUP, INC.**
Defendants.

Civil Action No.: 01 CV 1365 (CKK)

Filed: October 2, 2001

PLAINTIFF'S MOTION FOR ENTRY OF FINAL JUDGMENT

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h) ("Tunney Act"), Plaintiff United States moves for entry of the proposed Final Judgment filed in this civil antitrust proceeding. The proposed Final Judgment may be entered at this time without further hearing if the Court determines that entry is in the public interest. The Competitive Impact Statement filed in this matter on June 20, 2001, explains why entry of the proposed Final Judgment would be in the public interest. A Certificate of Compliance setting forth the steps taken by the parties to comply with all applicable provisions of the Tunney Act and certifying that the statutory waiting period has expired has been filed simultaneously with this Motion.

I.

Background

The United States filed a civil antitrust Complaint on June 20, 2001, alleging that a proposed acquisition of Ranger Aerospace Corporation (“Ranger”), and its wholly owned subsidiary, Aircraft Service International Group, Inc. (“ASIG”), by Signature Flight Support Corporation (“Signature”) would violate Section 7 of the Clayton Act, 15 U.S.C. § 18. The Complaint alleges that Signature and ASIG own and operate fixed base operator (“FBO”) businesses at various airports in the United States. The Complaint further alleges that Signature and ASIG are the only two providers of FBO services for general aviation customers at Orlando International Airport (“MCO Airport”), located in Orlando, Florida. The proposed acquisition would create a monopoly for Signature at this airport, giving it the ability to raise prices and lower the quality of service. Thus, the proposed acquisition would have likely lessened competition substantially in the market for FBO services at MCO Airport in violation of Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18.

The United States also filed a proposed settlement that requires a divestiture of one of the existing FBOs at MCO Airport in order to preserve competition for general aviation customers. This settlement consists of a Hold Separate Stipulation and Order (“Hold Separate Order”), and a proposed Final Judgment. The proposed Final Judgment orders defendants to sell the existing ASIG FBO assets at MCO Airport to a purchaser who has the capability to compete effectively in the provision of FBO services to general aviation customers at that airport. Defendants must complete the divestiture of ASIG’s FBO operation at MCO Airport before the later of one hundred twenty (120) calendar days after filing of the Complaint, or five (5) days after entry of

the Final Judgment, in accordance with the procedures specified in the proposed Final Judgment. If defendants fail to accomplish the divestiture, a trustee appointed by the Court would be empowered to divest these assets.

The Plaintiff and the defendants have stipulated that the proposed Final Judgment may be entered after compliance with the Tunney Act. Entry of the proposed Final Judgment would terminate this action, except that the Court would retain jurisdiction to construe, modify, or enforce the provisions of the proposed Final Judgment and to punish violations thereof.

II.

Compliance with the APPA

The Tunney Act requires a sixty-day period for the submission of public comments on the proposed Final Judgment. 15 U.S.C. § 16(b). In this case, the comment period terminated on September 10, 2001. The United States has received no comments during this period on the proposed Final Judgment. The procedures required by the Tunney Act prior to entry of the proposed Final Judgment are completed. The United States has filed a Certificate of Compliance simultaneously with this Motion stating that all the requirements of the Tunney Act have been satisfied. It is now appropriate for the Court to make the public interest determination required by 15 U.S.C. § 16(e) and enter the Final Judgment.

III.

Standard of Judicial Review

Before entering the proposed Final Judgment, the Court is to determine whether the Judgment “is in the public interest.” 15 U.S.C. § 16(e). In making that determination, the Court may consider:

(1) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration or relief sought, anticipated effects of alternative remedies actually considered, and any other considerations bearing upon the adequacy of such judgment;

(2) the impact of entry of such judgment upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

15 U.S.C. § 16(e).

In its Competitive Impact Statement previously filed with the Court on June 20, 2001, the United States explained the meaning and proper application of the public interest standard under the Tunney Act and incorporates those statements here by reference. Furthermore, no party has commented that the proposed settlement constitutes an abuse of the Justice Department's discretion or that it is not within the zone of settlements consistent with the public interest.

IV.

Conclusion

For the reasons set forth in this Motion and the Competitive Impact Statement, the Court should find that the proposed Final Judgment is in the public interest and should enter the proposed Final Judgment without further hearings. The proposed Final Judgment will remedy the anticompetitive effects of the challenged transaction by requiring the divestiture of FBO assets at MCO Airport. Therefore, the United States respectfully requests that the proposed Final Judgment annexed hereto be entered as soon as possible.

Defendants have informed Plaintiff that defendants consent to the entry of the Final Judgment in this matter.

Respectfully submitted,

“/s/”

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Wisconsin Bar No. 1029907
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Dated: October 2nd, 2001

Certificate of Service

I, Marian Honus, hereby certify that, on October 2, 2001, I caused the foregoing document to be served on defendants Signature Flight Support Corporation, Ranger Aerospace Corporation, and Aircraft Service International Group, Inc., by having a copy mailed, first-class, postage prepaid, to:

William Norfolk, Esq.
Sullivan & Cromwell
125 Broad Street
New York, NY 10004

James H. Mutchnik, Esq.
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“/s/”